

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-cr-20451

v.

Hon. Robert H. Cleland

JAY SCHWARTZ,

Defendant.

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JOINT MOTION FOR LEAVE
TO FILE UNDER SEAL

Now comes Defendant, Jay Schwartz and the Government who move for leave to allow Mr. Schwartz to file certain exhibits to his forthcoming Motion to Suppress the Title III Wiretap and Motion for Production of Handwritten Interview Notes under seal. Those particular exhibits pertain to the Title III Wiretap

Application and Order for a certain telephone number associated with Chuck Rizzo Jr. and certain documents that were filed under seal in *United States v. Rizzo*. Some of these exhibits were previously filed under seal with respect to other motions filed by the defense. The forthcoming motions will have other exhibits that do not need to be sealed.

The exhibits include affidavits and content which reference certain conduct and persons, including persons who have never been indicted. The Government requests the exhibit be sealed in observation of Title III's requirement that "[a]pplications and orders granted under this chapter shall be sealed by the judge . . . [and] shall be disclosed only upon a showing of good cause." 18 U.S.C. § 2518(8)(b). Filing the exhibit on the public docket is inconsistent with this provision. The materials from *United States v. Rizzo* were previously sealed by this Court, and the parties wish to consistently do so here.

Pursuant to E.D. Mich. LR 7.1(a), the parties concur in the requested relief and ask that leave to seal the forthcoming exhibits be granted.

Respectfully submitted,

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Dated: February 16, 2021

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2021, I electronically filed the foregoing paper with the Clerk of the court using the ECF system which will send notification of such filing counsel of record.

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